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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,485	12/20/2000	Richard G. Morton	2000-00871-1	9464

7590

09/25/2002

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EXAMINER

MONBLEAU, DAVIENNE N

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,485

Applicant(s)

MORTON, RICHARD G.

Examiner

Davienne Monbleau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to an excimer laser with electrodes, classified in class 372, subclass 87.
- II. Claims 12-17, drawn to a process of making electrodes, classified in class 148, subclass 679.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process may be used to make other metal manufactured products.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with John Ross on 9/13/02 a provisional election was made without traverse to prosecute the invention of Group I, claim 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meller et al. (U.S. Patent No. 5,729,565) in view of Wiedemann et al. (U.S. Patent No. 4,742,527). Regarding Claim 1, Meller et al. teach in Figure 1 an excimer laser comprising a laser chamber (10) containing a laser gas and an electrode set (14 and 16). Meller et al. further teach in column 4 lines 16-17 that said laser gas comprises fluorine and in column 2 lines 27-29 that electrodes may be of a copper alloy material. It is known in the art that said excimer laser comprises an anode, a cathode, a pulse power system to create the electrical pulses across said electrode set and circulating means. Meller et al. do not teach that said electrodes are annealed. Wiedemann et al. teach in column 2 lines 28-32 annealing said electrodes. It would have been obvious to one of ordinary skill in the art at the time of the invention to anneal said electrodes in Meller et al., to reduce internal stresses.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meller et al. (U.S. Patent No. 5,729,565) in view of Wiedemann et al. (U.S. Patent No. 4,742,527), as applied to claim 1 above, and further in view of Baumler et al. (U.S. Patent No. 4,860,300). Regarding Claims 2-4, Meller et al. do not teach electrodes comprising copper, aluminum, iron and nickel. Baumler et al. teach in column 2 lines 29-46 that electrodes may comprise copper, aluminum, nickel and iron. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to use these electrode materials in Meller et al., as taught by Baumler, to increase the life of the electrode. Determining the exact composition of the elements involves routine skill in the art.

Regarding Claims 5-7, Meller et al. do not teach that said electrodes comprise zinc. Baumler et al. teach in column 2 lines 45-46 that the copper alloy of an electrode may comprise zinc. It would have been obvious to one of ordinary skill in the art at the time of the invention to use these electrode materials in Meller et al., as taught by Baumler, to increase the life of the electrode. Determining the exact composition of the elements involves routine skill in the art.

Regarding Claims 8-11, Meller et al. do not teach that said electrodes comprise zinc and lead. Baumler et al. teach in column 2 lines 45-46 that the copper alloy of an electrode may comprise zinc and other materials. It would have been obvious to one of ordinary skill in the art at the time of the invention to use these electrode materials in Meller et al., as taught by Baumler, to increase the life of the electrode. Determining the exact composition of the elements involves routine skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohmi et al. (U.S. Patent No. 5,923,693) teach in column 4 lines 7-14 and lines 53-60 various electrode materials for a gas laser. Fujimoto et al. (U.S. Patent No. 5,373,523) teach in column 6 lines 47-69 various electrode materials for a gas laser. Gilson et al. (U.S. Patent No. 4,077,017) teach in column 3 lines 45-55 various electrode materials for a gas laser including

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copper, nickel, and zinc. Bosch et al. (U.S. Patent No. 5,220,575) teach through the specification an electrode with various materials for pulsed gas lasers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 703-306-5803.

The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on 703-308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Davienne Monbleau

DNM

September 13, 2002

Paul Ip

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